IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 4229 of 1993

Between:

K. Nageswara Rao S/o late K.S. Rao, R/o Amalapuram

..... PETITIONER

AND

1 The Income Tax Appellate Tribunal Hyderabad Bench 'A'

Hyderabad
2 The Assistant Controller of Estate Duty, Kakinada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to the Estate Duty Tax proceedings of the petitioner up to the E.D.A.No.4/Hyd/89, dt: 27-7-1992, Income Tax Appellate Tribunal Hyderabad Bench 'A' and issue a Writ of Direction particularly one in the nature of Writ of Certiorari holding the petitioner is a joint family member and hence lenial documents share is liable for aggregation as illegal, arbitrary and contrary to law and consequentially declare that the authority has no right to collect as aggregated amount from lenial decendant the estate duty as the partition was effected and the petitioner is not a member of joint family

Counsel for the Petitioner:Mr.M.Krishnamohana Rao (Not present)

Counsel for the Respondents:Mr.S.R.Ashok, S.C. for Income Tax.

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice M.H.S.Ansari:

As on the previous occasion, there was no representation on behalf of the petitioner, matter was adjourned as last chance.

Even today, none has appeared on behalf of the petitioner nor any representation is made on his behalf.

The writ petition is accordingly dismissed for default. No order as to costs.

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(M.H.S.ANSARI,J)

9th February, 2005.

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(T.CH.SURYA RAO,J)

vrn

To

1 The Income Tax Appellate Tribunal Hyderabad Bench 'A',

Hyderabad
2 The Assistant Controller of Estate Duty, Kakinada.

3 Two C.D copies.